IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 1368 of 1996

Between:

M/s Indira Harijana Girijana Yuvajana Seva Sangham (Registration No.34/76)
Mangalam Village Tirupathi Urban Mandalam
Rep.by its President Sri A.P.Venkatesh

..... PETITIONER

AND

1 Revenue Divisional Officer,
Chandragiri at Tirupathi
2 Mandal Revenue Officer Tirupathi Urban Mandalam
Tirupathi

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction preferably in the nature of mandamus declaring the threat of eviction made by the 2nd respondent on 17/01/1996 and also on 22/01/1996 directing the members of the petitioners society to vacate their huts and houses situate in Survey No.1 and 33 in the village accounts of Mangalam village as illegal and void and being violative of Article 14,21 and 300-A of the Constitution and also being violative of principles of promissory estoppel and also violative of principles of natural justice and further declare the non consideration of the representation made to the 1st respondent on 22/01/1996 by the petitioner as also illegal and void and forbid the respondents from proceeding in any manner in pursuance of the said threat of eviction made by the 2nd respondent wherein the petitioner members were asked to vacate by 01/02/1996.

Counsel for the Petitioner: MR.A.T.M.RANGARAMANUJAM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

HONOURABLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION NO.1368 OF 1996

ORDER:

The petitioner, a registered Society, has filed this writ petition questioning the threat of dispossession of its members from the house sites, where they have erected huts and constructed houses, in survey No.1 and 33 of Mangalam village, Tirupati mandal of Chittor district.

It is the case of the petitioner that its members are economically backward and belong to weaker sections of the society and all the members are in possession of small extents of land about 3 cents situated in survey no.1 and 33 of Mangalam village, for the last more than 25 years. It is also stated that having regard to their long standing possession, they have constructed houses and some of the members have constructed thatched sheds for their residential purpose and they have given pattas on 10.11.1981. It is their case that in spite of issuance of pattas, the respondents are threatening eviction and the second respondent on 17.1.1996 and also on 22.1.1996 made such an attempt. They also made representation in this regard to the first respondent-Revenue Divisional Officer on 22.1.1996 and on the ground that despite such representations, no action was taken to protect their possession, they came up with this writ petition.

Though the writ petition is of the year 1996, no counter is filed on behalf of the respondents. The learned Government Pleader submitted that no notice was issued to the petitioner in this regard.

Having regard to the submissions made in the affidavit filed in support of the writ petition and inasmuch as no counter is filed on behalf of the respondents denying the averments of the petition, I dispose of the writ petition directing the respondents not to interfere with the possession of the members of the petitioner-Society, who are given pattas of house sites. But, I make it clear that this order will not preclude the respondents to take any auction by following due procedure contemplated under law.

Subject to above observation, the writ petition is disposed of.

_____

(JUSTICE R.SUBHASH REDDY)

Dt.23.02.2005.

Mdaa.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Revenue Divisional Officer,
Chandragiri at Tirupathi
2 Mandal Revenue Officer Tirupathi Urban Mandalam
Tirupathi

3. Two C.Cs to G.P.for Revenue, High Court of A.P., Hyderabad (OUT).

4) 2 CD copies

*Form-NIC-OGS/WP{**SAM**}*